

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

Robert Hutt,	:
Plaintiff,	:
	:
v.	: File No. 2:08 CV 202
	:
Robert Hofman, Paul Brosseau,	:
James Seavey, Joshua Rutherford,	:
Stanley Wood, Jeffrey Schmeltz,	:
Brian Kerns, Scott Isenor,	:
Geoffrey C. Fronberg,	:
Kevin Ashburn, Ellen McWard,	:
Defendants.	:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed July 30, 2009. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The defendants' motion to dismiss (Paper 16) is GRANTED in part and DENIED in part. All claims brought against the defendants in their official capacities are DISMISSED with prejudice. Hutt's claims for declaratory judgment are DISMISSED without prejudice as moot. Claims brought against defendants Hofmann and Ashburn in their individual capacities, Hutt's Eighth Amendment claim, and all claims for compensatory damages are DISMISSED without prejudice as well, subject to re-

pleading within 30 days of the date of this Order. Failure to file a timely amended complaint will result in the dismissal of those claims with prejudice.

Dated at Burlington, in the District of Vermont, this 18th day of August, 2009.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge